(1946) Department.

SERIES.

G.O. No. 257

Dated 25.1.1946

[Despatch Abstract.]

Licence - Dangerous and offensive trades - Mangalore Municipality - Storing of tanned skins - Orders issued.

C.No. H2/1473/45.

Municipal Office, Mangalore
Dated 20th December 1945.

From,

Sri. B. Suryanarayana Rao, M.A.,
Commissioner, Mangalore Municipality,
Mangalore.

To

The Secretary to Government,
Education and Public Health Department,
Fort St. George, Madras.

Through

The Chairman, Municipal Council,
Mangalore.

ASST. SECRETARY TO GOVERNMENT
27 DEC 1945
EDUCATION AND PUBLIC HEALTH DEPT.

55819

Sir,

Sub:- Dangerous and Offensive Trades - storing of tanned leather - further instructions - solicited.

Ref:- This office C.No. 1473/45 dated 27-7-1945.2Government Memorandum No. 34711 H/45-1 Public Health, dated 3-8-45 3. Municipal Council Resolution No. 63 dated 10-12-1945

****

On a reference in C.No. 1473/45 dated 27-7-1945 from this office as per council resolution No. 40 dated 16-7-1945, Government held that the premises used for storing skins tanned or untanned should be licensed under Section 249 of the Madras District Municipalities Act, 1920 as amended - vide Government Memorandum No. 34711 H/45-1 Public Health dated 3-8-1945 (page 51 of the file). The above Government memorandum was placed before the Municipal Council with the connected appeal petition of Mr. S.Sequeira at its meeting held on 17-9-1945. The council resolved that the matter be referred to its legal adviser for his opinion - vide Resolution No. 8 dated 17-9-1945 - (page 53 of the file). On receipt of the legal adviser's opinion the matter was again placed before the council and in its resolution No. 63 dated 10-12-1945, the Council resolved to refer the matter again to Government forwarding the legal opinion for re-consfderation (page 62).

I am, therefore, to submit again the file of connected papers and to request Government to pass such orders as kindly deemed fit in the matter. The opinion of the Legal Adviser of the Council, Mr. P.D. Souza, B.A., B.L., (pages 65 to 68 of the file) may kindly be perused in this connection.

M. Vallabha Rao 21/12/45.

M.H.O.

21/12/45

21/12/45

Commissioner
Mangalore Municipality,
Mangalore.

21/12/45

Forwarded,

21-12-45.

Chairman
Municipal Council,
Mangalore.

21/12/45

EH

26/25 Ch/Ad

License – Dangerous Explosives
trades – Mangalore Municipality – Storage of
tanned skins – Orders issued

Read again:- Memo No. 34711-H-45-1 PH dt 3 8/45
(B) from the Muni Comm. Mangalore
No. H-2-1473-45 dt 20 12/45

Order No. 257 P.H. dated 25.1.46
Ms.

24/1 (B) ..... The order in Memorandum No. 34711-H-45-1 PH Dated the 3rd Aug. 1945 are hereby Cancelled.

2. The Dt PH is informed that the Govt have been advised that the item (d) of Schedule V to the Dn. Act nor item (c) of Schedule VII to the L.B. Act will cover the storing of tanned Hides and Skins, the

25-1-46

To the Muni. Comm. Mangalore
Dup. chn
Dt PH.
(N) Ad.)

The instructions in Memo No. 34711-A-45 dt 3.8.1945 have been cancelled. The Director is requested to state whether an amendment of the Schedule is necessary so as to make them applicable to premises used for the storing of tanned skins & hides.

24.1.46

2 Feb/46

To
The Mun. Comm. Chang. Pro. Chs. (Prang / Ong) with Int. Office file
D P Wks (Dhdm)

Tin 4.30 PM
Dup'd with Encls
R.P.
by K.M. 5.2.46

Note

Ests. H (A)

From the Mun.l Comm.r Mangalore

No. H2-1473-45. Dt. 20.12.45

Memo

Licence — Dairpersons & Hawkers traders — storing of tanned skins.

The Govt. see no reason to modify the instructions contained in Memo No. 34711-H-45-1 P. H Dt. 3rd Aug 45.

To

The Mun.l Comm.r Mangalore

B/3-4

Lm 5.1.46

Note:- Con receipt of the Memo at (B) the legal opinion on pages 65 to 68 of the R.H. Office file at (N) has

(with the R.H. Office file)

has been obtained at the instance of the Council. As the party threatens a suit, no further instructions seem to be necessary. Legal may pl. advise whether the view in (N) bride is correct & whether the advice in (B) need be reconsidered.

5-1-46

Legal

LEGAL DEPARTMENT. E+P.H.C No. 58819-H-45-1-P.H

8-1-46.

Having regard to the context in which the words "hides" and "skins" occur in item (d) of Sch.V to the D.M.Act, viz., "storing or otherwise dealing with offal, blood, bones, ... hides, ... horns or skins", it is very doubtful whether hides and skins which

ASSISTANT SECRETARY
8 - JAN 1946
LEGAL DEPARTMENT.

have been completely tanned can be regarded as falling within the scope of the item.

A similar item occurs in Sch.VII to the L.B.Act - see item (c). There is a further item in that Act - item (d) - "tanning hides and skins". While the process of tanning is made specifically licensable, the storing of tanned hides and skins is not. It could hardly have been the intention to bring such storing within the scope of the general words in item (c).

Item (d) in Sch.V to the D.M.Act cannot receive a different construction from item (c) in the L.B.Act which is in pari materia. Neither item can therefore be said to cover the storing of tanned hides and skins.

If E & P.H. wish that the storing of tanned hides and skins should be licensed under s.249 of the D.M.Act, item (d) may be suitably amplified. The desirability of making a similar change in Sch.VII to the L.B.Act will no doubt be

considered by them.

10 JAN 1946
1755

KMJ 9-1-46 S 10.1.46

2 r PH (H)

It is for orders.

Legal A.O. 164–it.
10. 1. 46.

(i) Whether any definite instructions should be issued to the Commissioners, (ii) whether further details should be called for – e.g., whether the statements in N/3 – (Hartz's petition) can be accepted, and (iii) whether the question of amending the Schedule should be considered

This should be considered when taken up with PH.
CCC 6/2/46

16.1.46

In view of legal opinion, the admission in (B) may be withdrawn.
Note for Counsel please.
CCC 6/2/46

As the Municipal Commissioner, Mangalore had a doubt in last July whether premises used for the storing of tanned leather were licensable under Section 249 read with Schedule V, of the Madras District Municipalities Act, he sough the instructions of the Government on the point. The doubt aros from the Municipal Council's Resolution of 5th February 1945 passed in appeal, declaring that no licence was necessary for those premises. Clause (d) of Section V of the District Municipalities Act with reference to which a licence is necessary for premises in which hides or skins are stored does not make any distinction between tanned and untanned hides or skins. The Commissioner was, therefore, advised in accordance with the DPH's opinion, that the premises used for the storing of skins, whether these are tanned or untanned, should be licenced under the provisions of Section 249 read with Clause (d) of Schedule V of the District Municipalities Act. The Municipal Council has however subsequently taken legal advice on the point, and the Municipal Counsel's opinion was that the storing of hides and skins adverted to in clause (d) of Section V has reference only to the storing of hides or skins before they are treated, and that the clause can have no application to tanned skins or leather. Legal agree with this conclusion. Having regard to the opinion, it is proposed that the instructions in Government Memo.No.3471-H-45-1 P.H. dated 3-8-1945 may be withdrawn, the question of making specific provision in the Act for the licensing of tanned hides or skins being taken up for separate consideration. Orders have to be passed by Govt. as the Commr. has sought Govt's further instructions in view of the Munl. Legal Adviser's opinion for orders —

(B)

Pages 65-68 (N)

B 21/1

Mmp-3 and B/3-4 A

The Legal opinion may be accepted &

A approved.

19-1-46

22 JAN 1946

22 JAN 1946

21/1/46

I agree. A2

D.P.H.

21/1/46

U.O. letter from DPH dt 21/1/46 in p7 — A draft order is put up. The question of Amendment of the Schedule will separately be taken up.

21-1-46

21/1/46

From

Major J.H.Gorman, I.M.S.,
Director of Public Health,
Madras.

To

The Secretary to Government,
Education & Public Health
Department, Fort St.George
Madras.

6-FEB 1946
7427

Lr.Dis.No.5120-Hyg.46 dated 5-2-46.

Sub:-Licence-Dangerous & Offensive Trades-Mangalore M.T.-Storage of tanned skins.

Ref:-G.O.No.MS.257-P.H., dated 25-1-46 (S) p-3-4-46

With reference to para 2 of the above G.O., I have to state that amendment of the schedules referred to so as to make them applicable to premises used for the storing of tanned skins and hides at present, is not considered necessary.

for Director of Public Health, Madras.

C.V.R./5-2.Exd.

Education & Public Health

Filed with G.O.No. 257-P.H. dated 25-1-46.